

**DISTRICT ATTORNEY
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N. Y. 10013
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CYRUS R. VANCE, JR.
DISTRICT ATTORNEY

February 28, 2019

Emma Whitford
MuckRock News
Dept. MR 64657
411A Highland Avenue
Somerville, MA 02144-2516

Re: F.O.I.L. Request
Marihuana Stats 1/2017 - Present

Dear Ms. Whitford:

I am an Assistant District Attorney in New York County and have been assigned to be the Records Access Officer in connection with your requests under the Freedom of Information Law (F.O.I.L.). The requests were received by this office on or about December 3, 2018. You make two requests, regarding statistics about marihuana prosecutions and controlled substance prosecutions involving THC. I have received the statistics which consists of one Excel page and which I am attaching to my e-mail. My Office will not charge you a reproduction fee of 25 cents per page.

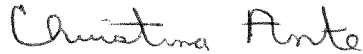
According to the Planning and Management Unit, the attached spreadsheet if of all cases from January 1, 2017 to January 8, 2019, where Penal Law 220.03, 221.05, 221.20 or 221.30 was charged and the cases were flagged as having THC present.

Moreover, I am also informed by the unit, that the data collected in the table cannot definitively identify if P.L. 220.03 was charged because of the presence of THC. Such information is not data which could be collected and organized into a table. As such, I cannot provide to you what does not exist. I certify, based on the information you have furnished, that I conducted a diligent search for responsive documents and have

determined that there are no such records. *See* Public Officers Law § 89(3); *see also* *Rattley v. N.Y.C. Police Dept.*, 96 N.Y.2d 873 (2001).

The Freedom of Information Law Appeals Officer is Assistant District Attorney Patricia J. Bailey, Chief of the Special Litigation Bureau, at the same address.

Sincerely,

A handwritten signature in cursive script that reads "Christina Ante".

Christina Ante
Assistant District Attorney
Records Access Officer